



**Planning Staff Report to  
Board of Zoning Appeals  
January 7, 2021**  
*for the January 13, 2021 Public Hearing*

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<b>Docket Number:</b>	<b>S 21-962</b>
<b>Applicant:</b>	Upstate Montessori Academy (Jennifer Kelly)
<b>Property Owner:</b>	Kellwood Holdings LLC
<b>Property Location:</b>	109 N. Leach St
<b>Tax Map Number:</b>	007800-07-01400
<b>Acreage:</b>	0.52 acres
<b>Zoning:</b>	RDV, Redevelopment District
<b>Proposal:</b>	<b>Special Exception Permit to establish and expand a ‘School, private’ use</b>
<b>Staff Recommendation:</b>	<b>Approve with conditions</b>

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**Applicable Sections of the City of Greenville Code of Ordinances:**

Sec.19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*  
Sec.19-2.3.5, *Special Exception Permit*  
Sec.19-4.1, *Table of Uses*  
Sec. 19-4.3.2(C), *Use-specific standards for Educational Facilities*

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**Staff Recommendation:** Staff concludes that the application complies with the standards for granting a Special Exception Permit to establish and expand a **‘School, private’** use in an RDV, Redevelopment district. If the Board decides to grant the Permit, Staff recommends the following conditions:

1. The Special Exception Permit is limited to the Applicant and is not transferrable.
2. The Applicant shall provide an appropriate parking plan and any applicable parking agreements to staff prior to issuance of building permits to satisfy parking requirements.
3. The prior establishment and expansion of this private school use shall substantially conform to the testimony of the Applicant and the content of the application.

**Staff Analysis:**

Upstate Montessori Academy, located on the southwest corner of the intersection between N. Leach St and S. Academy St, requests a special exception for a private school use in the RDV, Redevelopment district. The use was approved as a daycare use under the subject property’s original zoning of C-2, Local commercial district, and subsequently was rezoned to RDV, redevelopment district via case Z-20-2018 in 2018. Pre-application discussions with the applicant indicated that classes extend through second grade and is found to be consistent with the definition for “School, public or private”, as defined in the Land Management Ordinance Section 19-1.11. An approval of this special exception request will

formally establish the school use as it is already operating plus allow the area of expansion indicated in the application plans.

The Applicant proposes to expand the existing school use, primarily within the current footprint of the structure. The second story, proposed for two additional classrooms and associated facilities in this application, was originally built as unfinished space in anticipation of future expansion. Stairways outside of the building to access the second floor are included as part of this application.

The Applicant held a developer-led neighborhood meeting as part of the West End Neighborhood Association virtual meeting on December 7, 2021, as required by subsection 19-2.2.4 of the Land Management Ordinance. A list of attendees and meeting summary is included in the meeting packet.

A Special Exception Permit shall be approved only upon finding that the applicant demonstrates **all** of the following are met:

**1. The Use is consistent with the Comprehensive Plan**

The Future Land Use Map of the City's GVL2040 Comprehensive Plan designates this property as "Urban Residential", which is a mixture of low-density and medium-density housing types and classified to allow for compact development within Greenville's historic and traditional neighborhoods. Complementary uses customarily found in residential districts, such as schools, may be allowed.

*Staff finds that the expansion of a school is a use type that is consistent with the GVL2040 Comprehensive Plan.*

**2. The Use Will Comply with the Use Specific Standards:**

Section 19-4.3.2, *Use Specific Standards for Public and Institutional Uses*, states the following:

(C) Educational facilities.

(2) School, public or private. In the residential districts, schools may be approved as a special exception. Any redevelopment or addition to a school or its accessory facilities, or modification of parking or vehicular circulation patterns, shall also be reviewed as a special exception.

*Staff finds that the use will comply with the limited specific use standards outlined in the Land Management Ordinance (LMO).*

**3. The Use Is Compatible with the Character of Surrounding Lands:**

Adjacent property is zoned and used as follows:

**East:** RDV, redevelopment district / Multi-family dwelling use

**North:** C-2, local commercial district / Greenville Fire Department Station

**West:** RDV, redevelopment district, RM-1, multifamily residential / Single-family detached use

**South:** RM-2, multifamily residential / Single-family detached use

The use as currently composed is found to be compatible with the character surrounding lands. Request for expansion of this use includes minimal footprint expansion and no change in hours of operation.

*Staff finds that the use will be compatible with surrounding lands.*

**4. The Design Does Not Have Substantial Adverse Impact:**

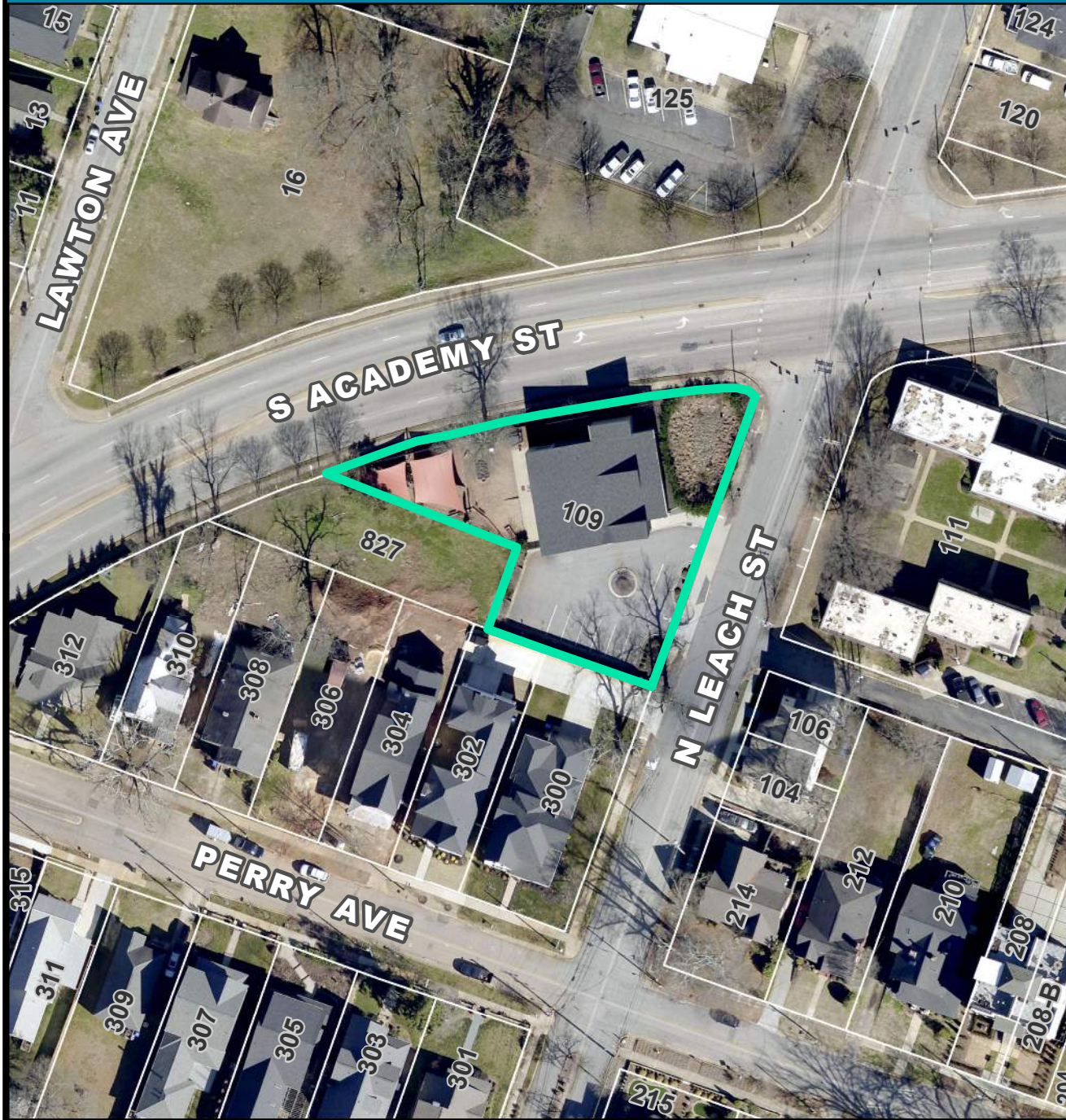
The Applicant is minimizing building expansion within this request through the utilization of previously constructed shell space located on the second floor of the building to expand the existing use. The applicant expressed the intent to obtain parking agreements for any additional parking spaces needed as a result of this application, in an effort to minimize new exterior construction and reduce impact to adjoining properties. The original architecture of the building was considerate of the adjacent residential uses, and exterior stairways are similarly designed. Expansion of the use will not impose any substantial impact on surrounding lands and anticipated to not create a nuisance considering the nature of business for the tenant.

*Staff finds that the design will have minimal adverse impacts on surrounding lands.*

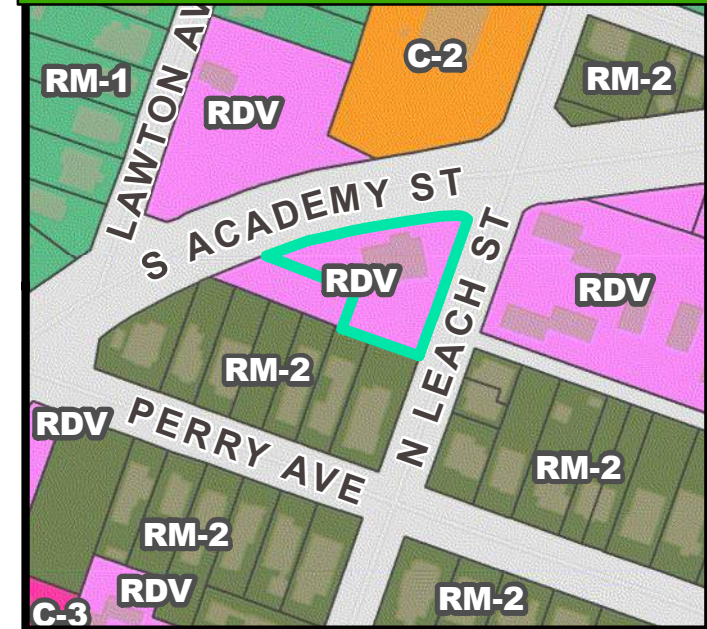


**S 21-962 • 109 NORTH LEACH STREET**

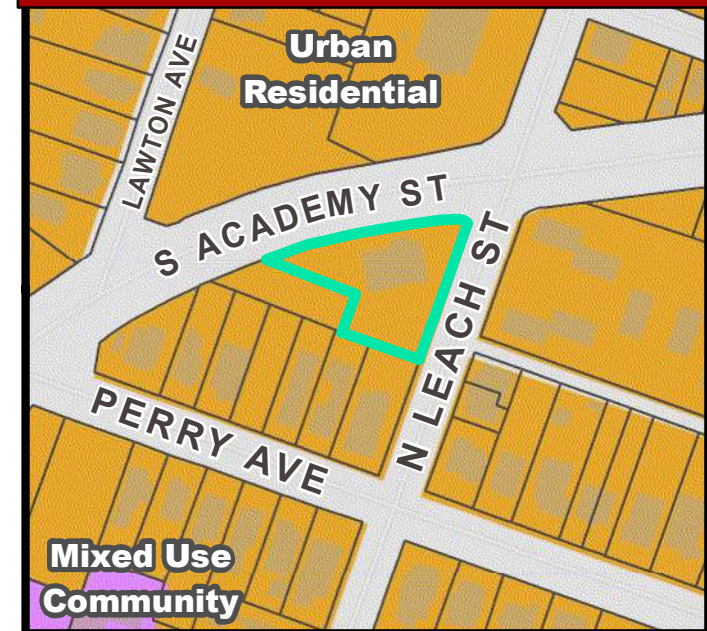
**AERIAL VIEW**



**CURRENT ZONING**



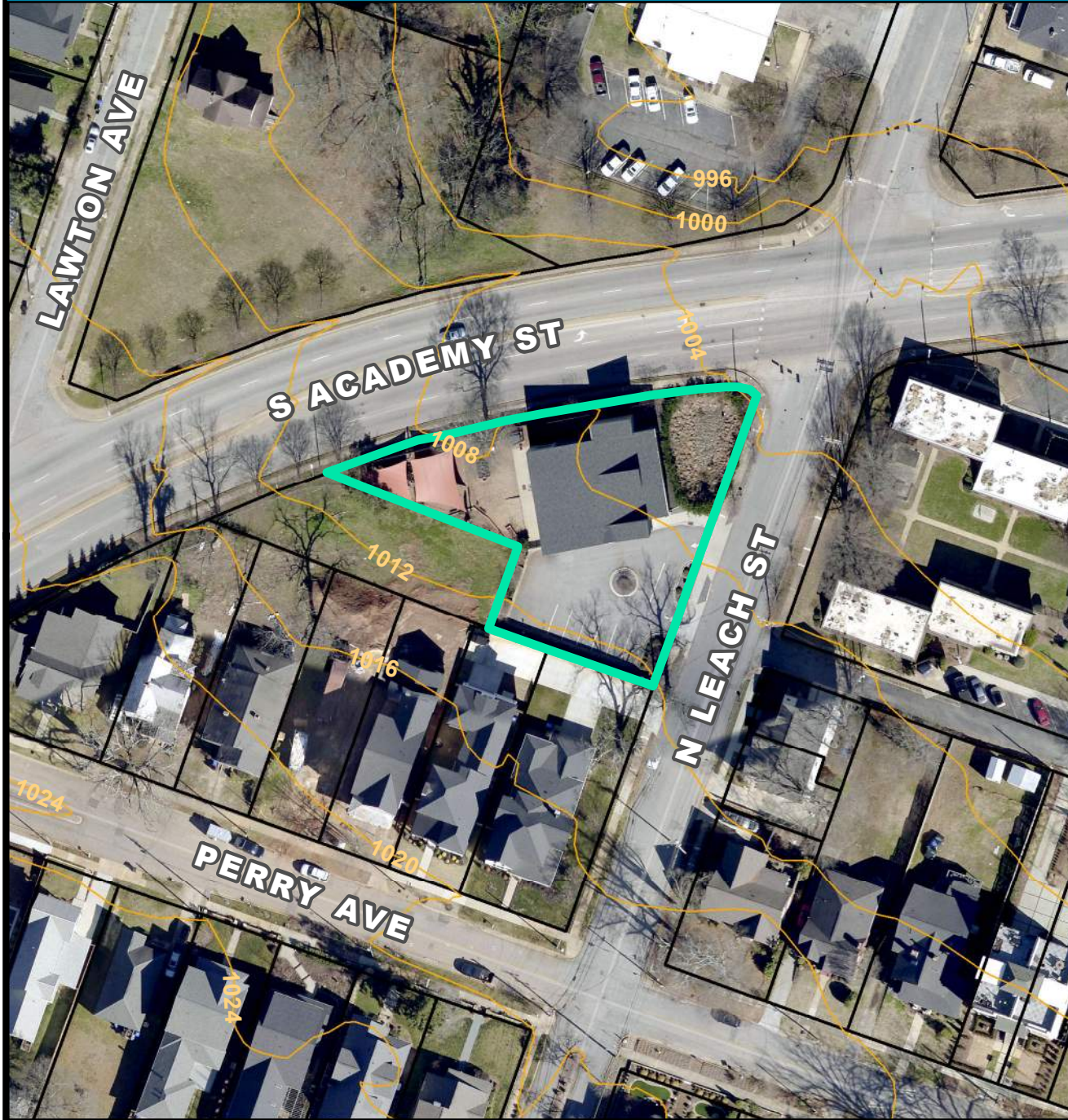
**FUTURE LAND USE**



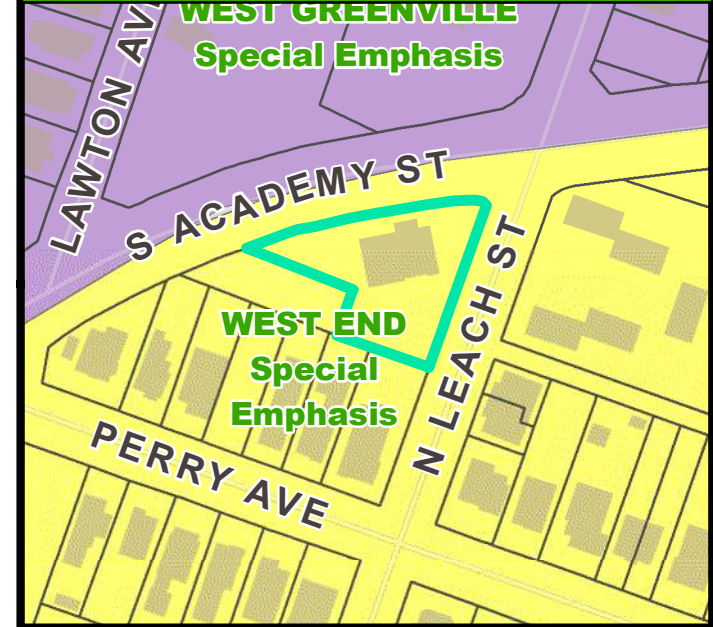


# S 21-962 • 109 NORTH LEACH STREET

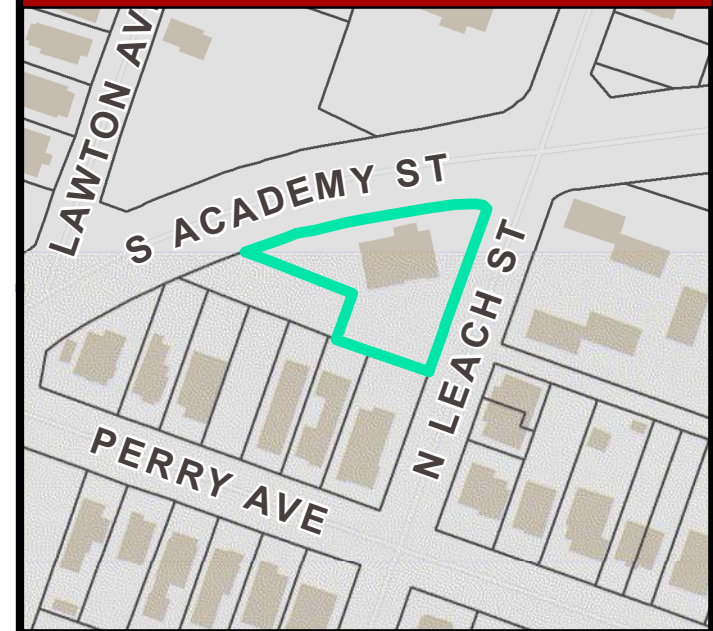
## NATURAL / ENVIRONMENTAL FEATURES



## SPECIAL EMPHASIS NEIGHBORHOODS



## PRESERVATION OVERLAYS







Office Use Only:

Application# \_\_\_\_\_ Fees Paid \_\_\_\_\_

Date Received \_\_\_\_\_ Accepted By \_\_\_\_\_

## APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

**APPLICANT / PERMITTEE\*:**

Name: Jennifer Kelly Title / Organization: Owner / Upstate Montessori Academy  
\* permit may be limited to this entity. Upstate Montessori Academy

**APPLICANT'S REPRESENTATIVE:**  
(Optional)

Name

Title / Organization

MAILING ADDRESS: 109 North Leach St. Greenville SC 29601

PHONE: 864 230 8568 EMAIL: jkelly@umagreenville.com

**PROPERTY OWNER:**

Kellwood Holdings LLC

MAILING ADDRESS: 21 Paddington Avenue Greenville SC 29609

PHONE: 864 420 9899 EMAIL: jkelly@umagreenville.com

**PROPERTY INFORMATION**

STREET ADDRESS: 109 North Leach Street Greenville SC 29601

TAX PARCEL #: 0078000701400 ACREAGE: .52 ZONING DESIGNATION: RDV

**REQUEST**

Refer to Article 19-4, Use Regulations, of the Land Management Ordinance ([www.municode.com/library/](http://www.municode.com/library/))

DESCRIPTION OF PROPOSED LAND USE: School (private)

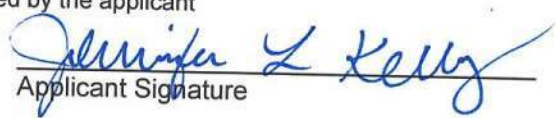
19-4.2.3(c) - educational facility

**INSTRUCTIONS**

1. The application and fee, **made payable to the City of Greenville**, must be received by the planning and development office no later than 5:00 pm of the date reflected on the attached schedule.

2. The applicant/owner must respond to the "standards" questions on page 2 of this application (you must answer "why" you believe the application meets the tests for the granting of a special exception). See also **Section 19-2.3.5, Special Exception Permit**, for additional information. You may attach a separate sheet addressing these questions.
3. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the proposed development (activity); (c) existing buildings and other relevant site improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested special exception.
4. You must attach the required application fee: \$250.00
5. The administrator will review the application for "sufficiency" pursuant to **Section 19-2.2.6, Determination of Sufficiency**, prior to placing the application on the BZA agenda. If the application is determined to be "insufficient", the administrator will contact the applicant to request that the applicant resolve the deficiencies. **You are encouraged to schedule an application conference with a planner, who will review your application for "sufficiency" at the time it is submitted. Call (864) 467-4476 to schedule an appointment.**
6. You must post the subject property at least 15 days (but not more than 18 days) prior to the scheduled hearing date.

\_\_\_\_\_ 'Public Hearing' signs are acknowledged as received by the applicant

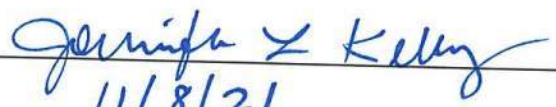
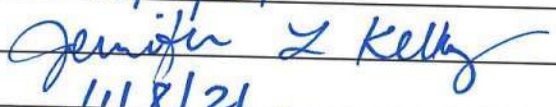
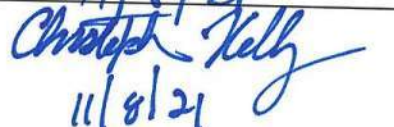
  
Applicant Signature

7. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

In addition the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived, then the planning office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is ☐ or is not ☐ restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity. ☐

  
11/8/21  
  
11/8/21  
  
11/8/21

APPLICANT / REPRESENTATIVE SIGNATURE  
DATE  
PROPERTY OWNER SIGNATURE  
DATE



**APPLICANT RESPONSE TO  
SECTION 19-2.3.5(D)(1), STANDARDS – SPECIAL EXCEPTION**

(YOU MAY ATTACH A SEPARATE SHEET)

*See attached document.*

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED SPECIAL EXCEPTION IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

2. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL COMPLY WITH THE STANDARDS IN **SECTION 19-4.3, USE SPECIFIC STANDARDS.**

3. DESCRIBE THE WAYS IN WHICH THE REQUEST IS APPROPRIATE FOR ITS LOCATION AND IS COMPATIBLE WITH THE CHARACTER OF EXISTING AND PERMITTED USES OF SURROUNDING LANDS AND WILL NOT REDUCE THE PROPERTY VALUES THEREOF.

4. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL MINIMIZE ADVERSE EFFECTS ON ADJACENT LANDS INCLUDING: VISUAL IMPACTS; SERVICE DELIVERY; PARKING AND LOADING; ODORS; NOISE; GLARE; AND, VIBRATION. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL NOT CREATE A NUISANCE.



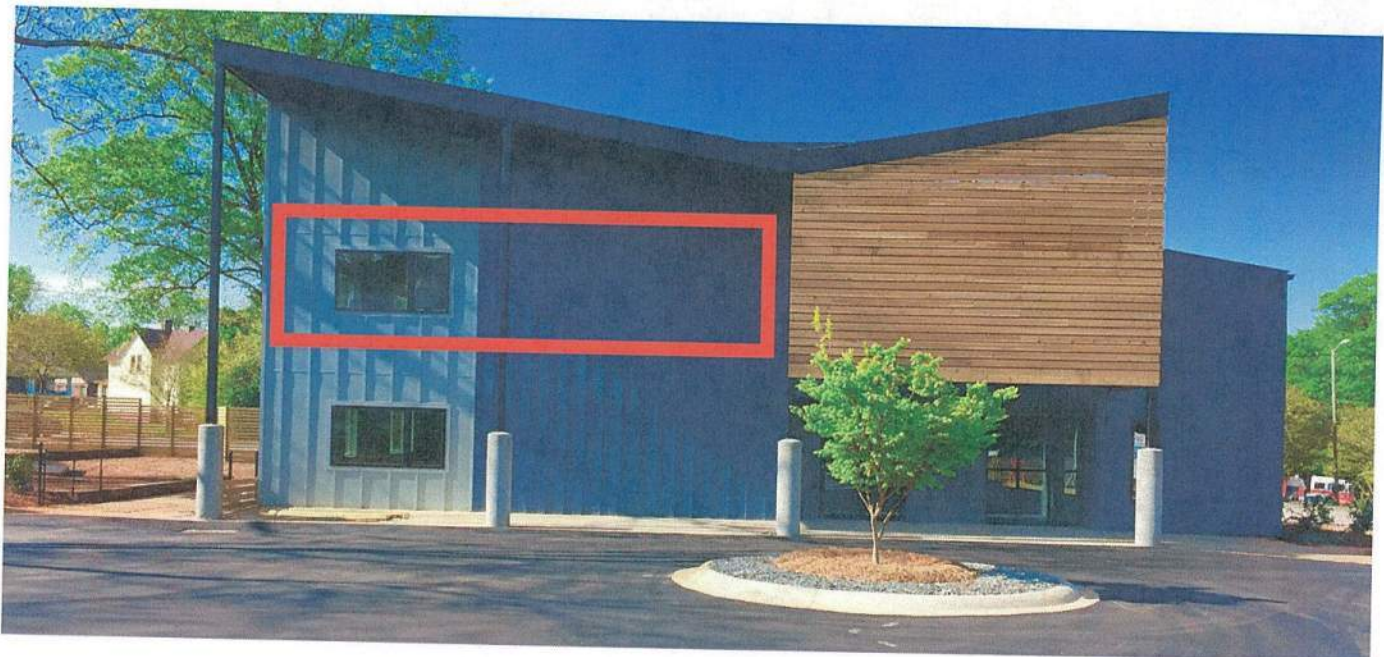
**Applicant Response from  
Upstate Montessori Academy at  
109 North Leach Street Greenville, SC 29601**

1. We are requesting a special exemption for our private school that is located in downtown Greenville. It has come to our attention that when applying to the city with the request for finishing the upstairs in the fall of 2021 that our building was improperly recorded with the city as a daycare. The original builder Cely Construction listed our facility as a daycare on our original building permit number 15-1203. Section 19-4.2.3 B (1) allows for a daycare to be constructed and operated on our property. However, we are a private school and have always functioned as a private school.
2. When we built our facility in October 2015 - June 2016 our property was zoned C2. The current zoning is now RDV. Under article 19-4.2.3 (C) with the City of Greenville Educational facilities public or private can be operated at our current property address. We are not adding onto the footprint of our current facility with phase two. Our request will allow us to finish out the second story of our building which has always been there.
3. We are currently full with enrollment of children 2K - 3rd grade. Our additional classrooms that will be added upstairs will allow for us to continue to serve our community by adding additional students to our program. Since we have always functioned as a private school we would not be diminishing the property value of ours or other surrounding properties in the West End.
4. We are not adding on to our building with an additional foot print. We are just opening up the upstairs and completing it to be used for additional classrooms. Our original permit number from 2015 showed the future classrooms that would be finished out when Upstate Montessori Academy needed the room to grow and add more classrooms. This would not be creating a nuisance to surrounding properties.

## Current GIS of Upstate Montessori Academy at 109 North Leach Street



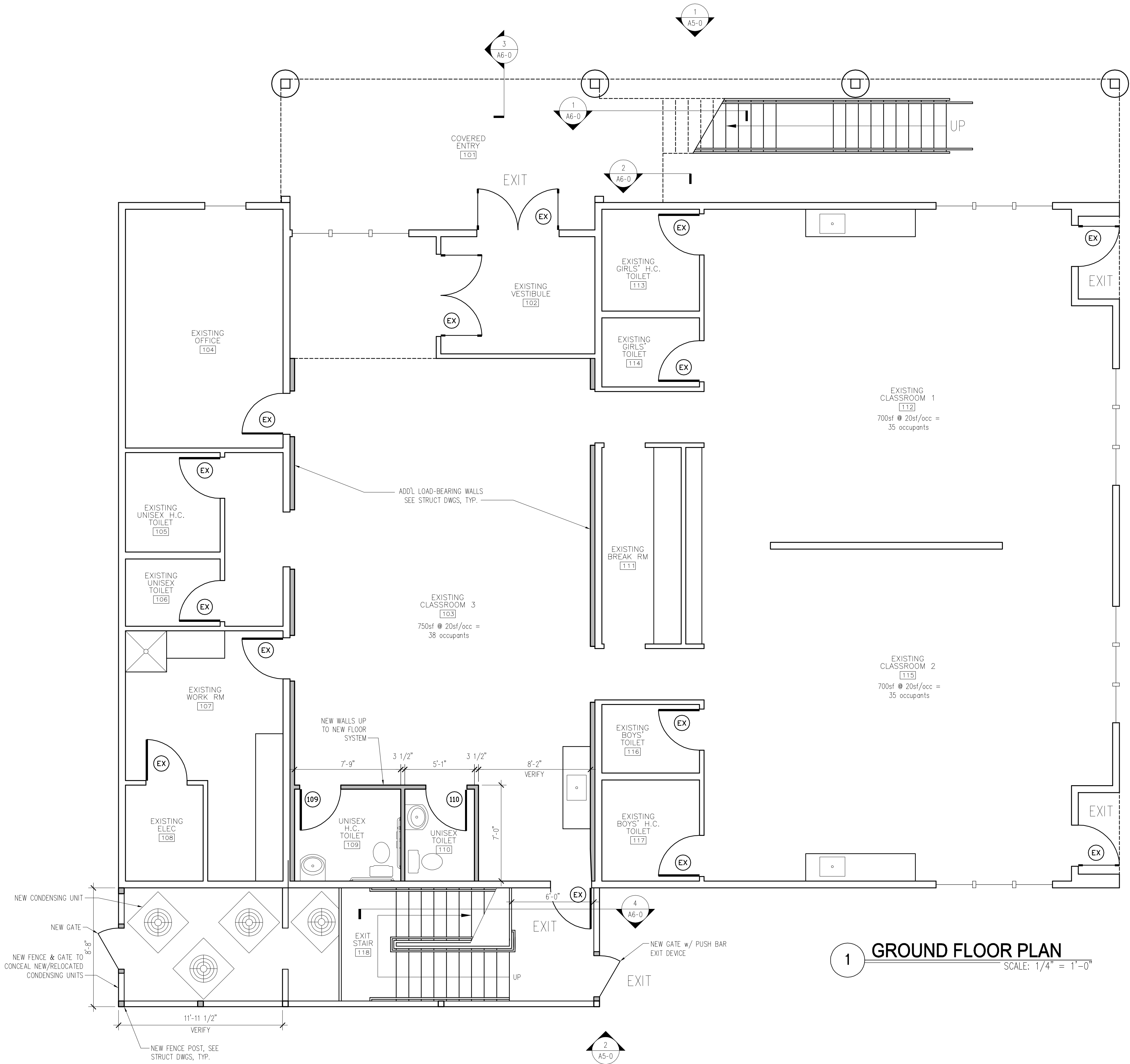
Photo of Upstate Montessori Academy right before completion in May 2016. Additional space for classrooms is already there. Please see read box for space to add 2nd story classrooms.





Interior photo of upstairs classrooms (from red box in above photo) that need to be completed. This is how they were left after we completed the building phase 1 in June 2016. This was how our permit number 15-1203 required the 2nd story of the building to be completed until we went in and did phase two which will require adding stairwells for access to the 2nd story classrooms and finishing them to be operable.





1 **GROUND FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

**Upstairs Upfit for:  
Upstate Montessori Academy**  
109 N Leach St  
Greenville, SC 29601

REVISIONS: NO.	DATE	DESC.
1		

PROJECT NO.: M2112  
ORIG DWG DATE: DEC 13, 2021  
DRAWN BY: RRM  
CHECKED BY: RRM

PHASE:  
CONSTRUCTION DOCS

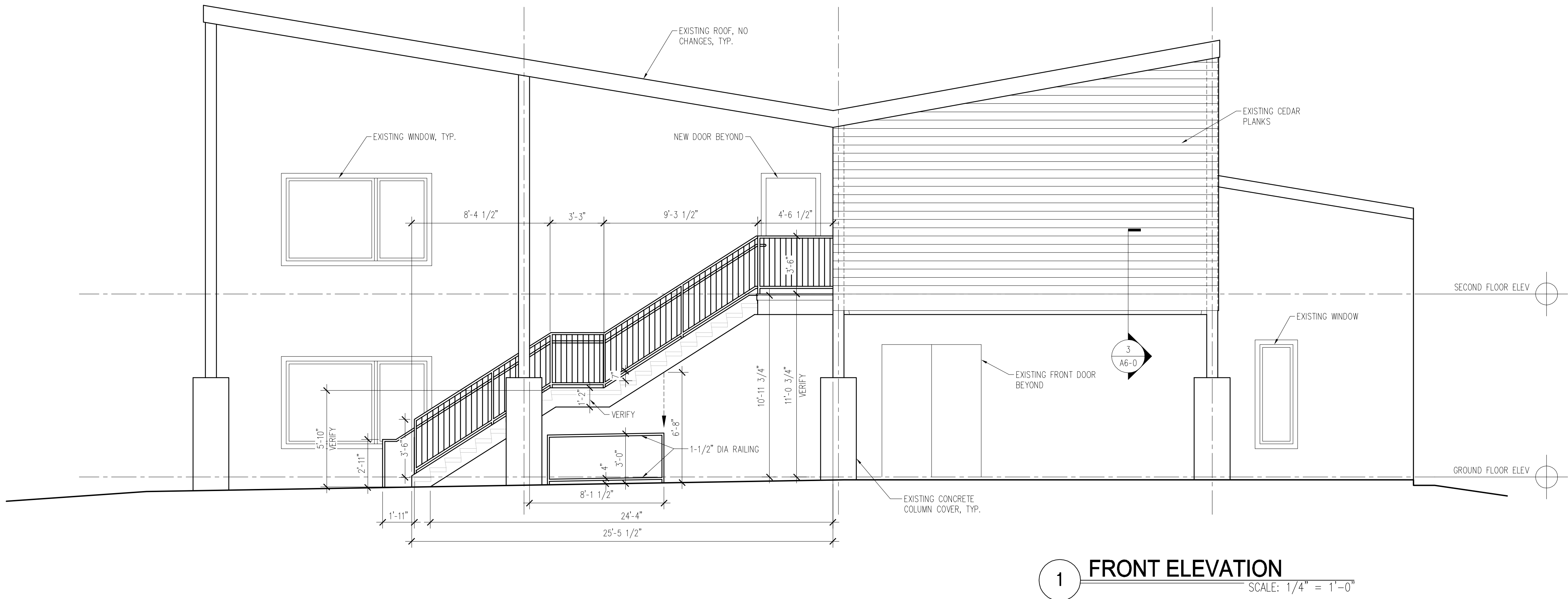
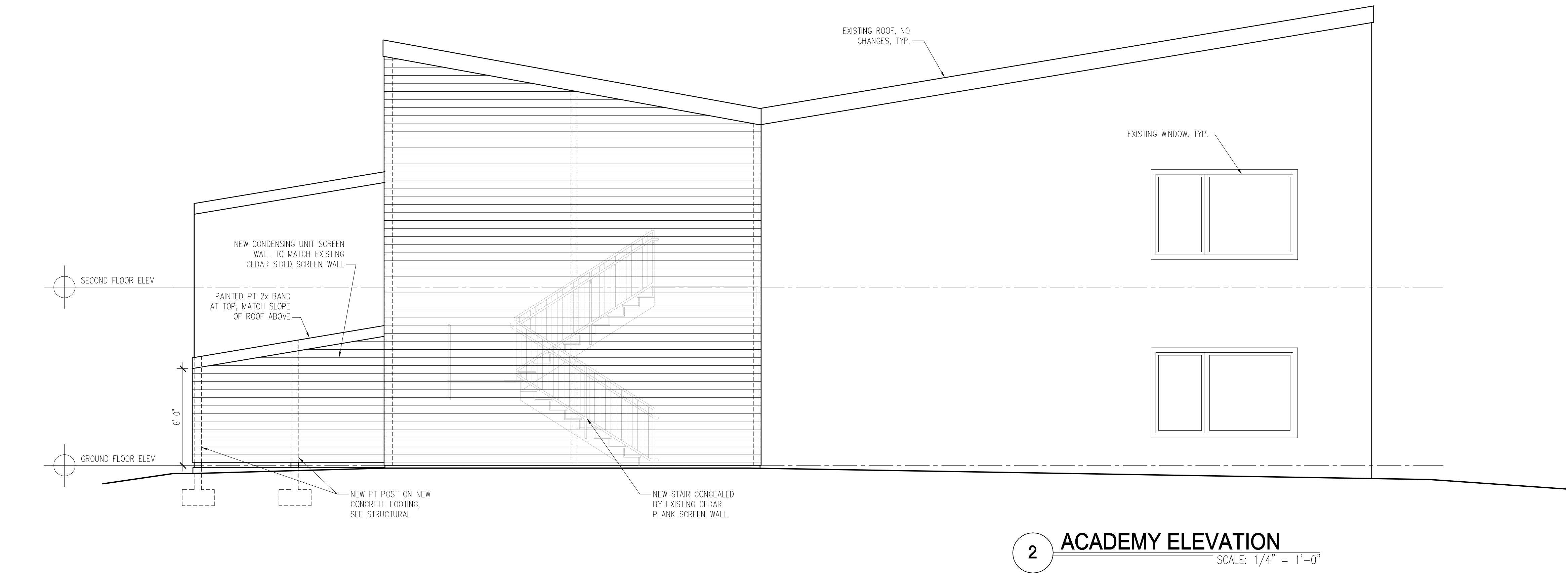
SHEET DESC.:  
GROUND FLOOR PLAN

SHEET NO.:  
**A2-0**

PRELIMINARY - NOT FOR CONSTRUCTION



109 N Leach St  
Greenville, SC 29601



Upstairs Upfit for:  
Upstate Montessori Academy  
109 N Leach St  
Greenville, SC 29601

REVISIONS: NO.	DATE	DESC.
1		

PROJECT NO.: M2112  
ORIG DWG DATE: DEC 13, 2021  
DRAWN BY: RRM  
CHECKED BY: RRM

PHASE:  
CONSTRUCTION DOCS

SHEET DESC.:  
EXTERIOR  
ELEVATIONS

SHEET NO.:  
A5-0

PRELIMINARY - NOT FOR CONSTRUCTION



Upstairs Upfit for:  
Upstate Montessori Academy

109 N Leach St  
Greenville, SC 29601

REVISIONS:		
NO.	DATE	DESC.
△		

PROJECT NO.: M2112  
ORIG DWG DATE: DEC 13, 2021  
DRAWN BY: RRM  
CHECKED BY: RRM

PHASE:  
CONSTRUCTION DOCS

SHEET DESC.:  
SECTIONS

SHEET NO.:  
A6-0

PRELIMINARY - NOT FOR CONSTRUCTION

